

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to FIG. 1, and replaces the original sheet including FIG. 1.

In FIG. 1, a numerical designation for software applications 22 was added to correspond with the specification at page 7, lines 8-9.

Replacement Sheets (1 page)

REMARKS/ARGUMENTS

Claims 1-32 are pending in the application. Claims 1-32 have been amended. The specification was amended to correct informalities. The drawings (FIG. 1) were amended to correspond with the specification. No new matter has been added. Reconsideration is respectfully requested in view of the amendments to the claims and the following remarks.

I. Drawings

The drawings were objected to because reference character 22 has been used to has been used to designate both “Application” and “Script” in FIG. 1, and reference characters “22a” and “22” were used to designate “Application”. The drawings were also objected to because they do not include the reference sign “110” as described in Applicant’s amendment filed on July 7, 2004.

In FIG. 1, a numerical designation for software applications 22 was added to correspond with the specification at page 7, lines 8-9. In addition, Applicant has amended the specification to delete the reference sign 110 and add reference sign 14. No new matter has been added. Applicant respectfully requests withdrawal of the objections to the drawings.

II. Specification

The specification was objected to as containing a reference sign (“110”) not shown in the drawings. Also, reference sign 212 in FIG. 4A, which is directed towards “Upload image files from the camera to the server”, was applied to the portion of the disclosure which reads “Images may be captured under the direction of the application, or the application may be run after the images are captured”.

Applicant has replaced the reference designation “110” with reference designation “14”. In addition, on page 11, line 22, Applicant has added the language “The image files 50 are uploaded from the camera to the server in step 212” to correspond with step 212 of FIG. 4A. No new matter has been added. Applicant respectfully requests withdrawal of the objections to the specification.

III. The § 102/103 Rejections

Claims 1, 7-10, 16 and 22-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,445,460 (“Pavley”).

Claims 2-3, 11-12, 17-18 and 25-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pavley in view of U.S. Patent No. 6,581,094 (“Gao”).

Claims 4-6, 13-15, 19-21 and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pavley and Gao, in further view of U.S. Patent No. 6,583,799 (“Manolis”).

Applicant respectfully traverses the rejections.

Claim 1, as amended, recites a method for customizing tags in digital images captured with an image capture device that stores the digital images in image files. The method includes altering a first pre-defined function of an image tag to create a custom tag having a second pre-defined function that is different from the first pre-defined function.

A. Pavley Fails To Disclose Altering a First Pre-defined Function of an Image Tag To Create a Custom Tag Having a Second Pre-defined Function That is Different From the First Pre-defined Function

Pavley discloses a method and system for providing automatic image file handling with a digital image capture device (see Abstract). In particular, Pavley discloses designating image files with a file attribute (i.e., read-only file attribute, a hidden file attribute, an archive file

attribute, or a system file attribute). The read-only file attribute marks an image file as one that cannot be changed, the hidden file attribute provides a privacy feature, the archive attribute designates an image file that has undergone a backup procedure, and the system file attribute designates an image file that affects a system's operation (col. 5, ll. 25-45).

In addition to file attributes, Pavley further discloses image tags that are associated with image files. The image tags include capture information tags, user tags, product tags, and automatic category tags. Capture information tags preserve command settings at the moment an image is captured, user tags include user-specified labels, product tags contain manufacturing information, and automatic category tags includes information based on an analysis of an image (col. 4, line 43 – col. 5, line 24).

Pavley, however, fails to disclose altering a first pre-defined function of an image tag to create a custom tag having a second pre-defined function that is different from the first pre-defined function, as required by claim 1. While Pavley discloses associating image tags (i.e., capture information tags, user tags, product tags, and automatic category tags) with an image, Pavley clearly fails to disclose altering any of the functions (discussed above) of the image tags.

The Examiner cites column 6, lines 35-41, as disclosing altering a function of a tag. Applicant respectfully disagrees.

In the cited portion, Pavley discloses marking (or associating) image files with an archive attribute once the image files have been copied from a camera to a computer system (emphasis added). While Pavley discloses marking an image file with different file attributes, such marking does not alter a function of the file attributes *themselves*. That is, the functions associated with the read-only file attribute (to mark an image file as one that cannot be changed), the hidden file attribute (to provide a privacy feature), the archive attribute (to designate an image file that has undergone a backup procedure), and the system file attribute (to designate an image file that

affects a system's operation) are not altered when the file attributes are associated with an image file.

Thus, Pavley fails to disclose altering a first pre-defined function of an image tag to create a custom tag having a second pre-defined function that is different from the first pre-defined function, as required by claim 1. Claim 1 is, therefore, not anticipated by Pavley and is allowable over Pavley.

B. Pavley Fails To Disclose Storing A Definition Of A Custom Tag On A Server

As acknowledged by the Examiner on page 5 of the Action, Pavley discloses transferring image files (including image tags) to an Internet server for storage. However, as discussed above, none of the functions associated with the image tags are altered. Consequently, the images files transferred to the Internet server in Pavley's system do not include custom tags. Pavley, therefore, fails to disclose storing a definition of a custom tag on a server, as required by claim 1.

C. The Claim Has Limitations Not Taught, Either Alone Or In Combination, By Any Of The References

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Pavley, Gao and Manolis (either alone or in combination) fail to disclose altering a first pre-defined function of an image tag to create a custom tag having a second pre-defined function that is different from the first pre-defined function. Pavley, Gao and Manolis (either alone or in combination) also fail to disclose storing a definition of a custom tag on a server. Consequently, the combination of Pavley, Gao and Manolis cannot render claim 1 obvious.

For at least these reasons, Applicant submits that claim 1, and the claims that depend therefrom, are in condition for allowance.

D. Other Independent Claims

Claims 10, 16 and 25 each incorporates limitations similar to those of claim 1. Claims 10, 16 and 25, and the claims that depend therefrom, are also allowable over Pavley, Gao and Manolis for reasons corresponding to those set forth with respect to claim 1.

In view of the foregoing, it is submitted that claims 1-32 are allowable over the cited references, and are in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP



Kelvin M. Vivian
Attorney for Applicant(s)
Reg. No. 53,727
(650) 493-4540

September 26, 2005